

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CHELSEA DONINI,

Plaintiff,

v.

PHILLIP PEAKS, *professionally known as*  
“PEEZY,”

Defendant.

No. 22-CV-9706 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On April 21, 2025, the parties submitted joint proposed jury instructions and a verdict form pursuant to the Court’s prior order. These submissions indicate that Plaintiff will pursue claims for defamation, breach of contract, and repudiation of contract at trial and that Defendant will pursue a claim for breach of contract. The parties’ joint pretrial order, however, stated that a number of additional claims and defenses remain to be tried.

No later than April 30, 2025 at 12:00 p.m., the parties shall submit a letter advising the Court whether they intend to pursue any claims or defenses in addition to breach of contract, repudiation of contract, and defamation. To the extent either party intends to pursue additional claims or defenses, the parties shall so inform the Court and submit a revised proposed verdict form and jury instructions. If the parties do not intend to pursue additional claims at trial, they shall submit a stipulation pursuant to Rule 41 dismissing such claims.

If the parties’ do not respond by April 30, 2025, the Court will presume that the parties do not intend to pursue those claims or defenses and consider them abandoned. *Cf. Jackson v. Fed. Exp.*, 766 F.3d 189, 198 (2d Cir. 2014) (“(I)n the case of a counseled party, a court may infer that

relevant claims or defenses that are not defended have been abandoned.”).

SO ORDERED.

Dated: April 28, 2025  
New York, New York



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Ronnie Abrams  
United States District Judge